

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA)
v.) Case No. 3:21cr42
KEITH RODNEY MOORE,)
Defendant)

**DEFENDANT'S CONSENT MOTION TO EXTEND
DISCLOSURE DEADLINE BY TWO WEEKS**

Keith Moore, through counsel and with no objection from the government, moves the Court to extend by two weeks his disclosure deadline of the expert report on the Richmond Police Department data to the government. In support of this motion, Mr. Moore states the following:

1. On May 4, 2021, the government indicted Mr. Moore on one count of possessing a firearm knowing that he was a convicted felon, in violation of 18 U.S.C. § 922(g)(1). *See* ECF No. 3.
2. Mr. Moore filed a pretrial motion to suppress evidence based on Fourth Amendment violations and supplemented that motion with an Equal Protection challenge based on evidence of the Richmond Police Department's vastly disproportionate rate of detaining black drivers during traffic stops. *See* ECF Nos. 17 and 32.
3. The Court directed Mr. Moore to consider additional evidence relating to his Equal Protection challenge. *See* ECF Nos. 44 and 58. Mr. Moore obtained that evidence from the Richmond Police Department in late October 2021. The evidence consisted of spreadsheets of data about thousands of traffic stops. In terms of the location of each stop, defense team members had to convert each location to a longitude and latitude coordinate

before the data was readily usable. The defense team completed that process in late November 2021.

4. On November 18, 2021, at a status conference call the Court held shortly after the defense obtained this evidence from the Richmond Police Department, the parties and the Court discussed the feasibility of the defense providing its expert report regarding this data from the Richmond Police Department to the government by the end of the year. *See* ECF No. 59. At that time, the defense team believed that deadline was achievable. Based on the defense team's anticipated schedule, the Court ordered that the defense disclose its expert report regarding the Richmond Police Department data to the government on or before December 31, 2021. *See id.*
5. Since the November 18, 2021, status conference call, the defense team has run into some delays in completing all of the necessary analyses and thus completing the expert report. After consulting with its expert, the defense believes an extension of only two weeks is needed to be able to provide the government with a completed expert report on the Richmond Police Department data.
6. Undersigned counsel has communicated with the government, represented here by Shea Gibbons and Erik Seibert, about this request. Mr. Gibbons has indicated that the government has no objection to this request.
7. Based on the December 31, 2021, disclosure deadline, the Court also ordered the parties to submit a joint status report about whether the government anticipated preparing its own expert report on the Richmond Police Department data and proposing a briefing schedule on Mr. Moore's Equal Protection challenge. *See* ECF No. 59. Should the Court grant this motion for a two-week extension of the December 31, 2021, disclosure deadline, Mr.

Moore also asks the Court to adjust the joint-status report filing date by two weeks to January 28, 2021.

Thus, Mr. Moore, with no objection from the government, moves the Court to extend by two weeks his disclosure deadline to the government of the expert report on the Richmond Police Department data.

Respectfully submitted,
KEVIN RODNEY MOORE

By: /s/
Laura Koenig
Va. Bar No. 86840
Counsel for Defendant
Office of the Federal Public Defender
701 E Broad Street, Suite 3600
Richmond, VA 23219-1884
Ph. (804) 565-0881
Fax (804) 648-5033
laura_koenig@fd.org